

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Norman J. LeMaire III
William R. Hanna, Jr.
For: Surgical Instrument with Offset Jaw Actuator
Filed: Herewith

Serial No:
Examiner:
GAU:



INFORMATION DISCLOSURE STATEMENT

Honorable Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

It is desired to cite for the record in this application the enclosed articles and U.S. Patents listed on the attached copy of PTO form #1449.

Applicants submit herewith patents, publication or other information of which they are aware, which they believe may be material to the examination of this application and in respect of which there may be a duty to disclose. Some of the documents may have markings thereon. No significance is meant to be attached to the markings.

The filing of this information disclosure statement shall not be construed as a representation that a search has been made (37 CFR 1.97(g)), an admission that the information cited is, or is considered to be, material to patentability or that no other material information exists. The filing of this information disclosure statement shall not be construed as an admission against interest in any manner.

The paragraph(s) marked below are applicable to this Information Disclosure Statement.

XX The enclosed Information Disclosure Statement is being filed within three months of the filing date or within three months of the entry of the national stage of the above identified application. Accordingly, applicant(s) believe that no fee or certification is required.

 (1a) Applicant(s) believe the enclosed Information Disclosure Statement is entitled to the benefit of 37 CFR 1.97(b)(3). Accordingly, applicant(s) believe that no fee or certification is required.

 (1b) Pursuant to 37 CFR Sec 1.97(c), the enclosed Information Disclosure Statement is being filed before the mailing date of a final action or a notice of allowance and is accompanied by:

- a certification under 37 CFR Sec. 1.97 (e)
- the fee set forth in Sec. 1.17 (p)

PETITION UNDER 37 CFR SEC 1.97 (d)

 (2) Pursuant to 37 CFR Sec. 1.97 (d), applicant(s) hereby petition the Commissioner to consider the attached Information Disclosure Statement. Applicant(s) state that the issue fee has not been paid and that a certification under 37 CFR Sec. 1.97 (e) is provided herein, along with the petition fee required under 37 CFR Sec. 1.17 (i).

CERTIFICATION UNDER 37 CFR SEC 1.97(e)(1)

____ (3) The undersigned hereby certifies that each item of information contained in the attached Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application mailed not more than three months prior to the filing of this statement.

CERTIFICATION UNDER 37 CFR SEC 1.97(e)(2)

____ (4) The undersigned hereby certifies that no item of information contained in the attached Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the undersigned, after making reasonable inquiry, was known to any individual having a duty of disclosure as set forth in 37 CFR Sec 1.56(c) more than three months prior to the filing of this statement.

____ (5) The information disclosure fee of \$_____ required by 37 CFR Sec. 1.17(p) is believed to be due and is enclosed herewith.

The filing of this Information Disclosure Statement is not a representation by the undersigned as to personal knowledge of the contents of every word or phrase of the material enclosed or that reliance on other suitably trained professionals has not been made.

If a search report of a searching agency is enclosed identifying the nature of the relevance of each document, such a designation is deemed to satisfy Rule 98(a)(3) even if in a foreign language, since the few terms of relevance therein are deemed of universal cognizance. However, applicant does not necessarily adopt the position reflected by that report.

The person making this certification is the attorney who signs below on the basis of:

_____ the information supplied by the inventor(s)
_____ the information supplied by an individual
 designated in Sec. 1.56(c)
XX the information in the attorney's file

Respectfully submitted,

APPLICANT

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